

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MARTIN J. WALSH,¹ Secretary of Labor, United :
States Department of Labor,

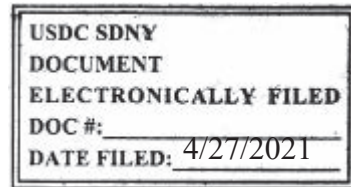
Petitioner,

v.

G&J'S PIZZERIA 2, LLC,

Respondent.

Case No. 1:21-mc-00247-AJN



PROPOSED ORDER

WHEREAS on February 12, 2021, the U.S. Department of Labor, Occupational Safety and Health Administration (“OSHA”) issued an administrative subpoena *duces tecum* (the “Subpoena”) to Respondent G&J Pizzeria 2, LLC, (“G&J”);

WHEREAS on March 16, 2021, Milton Al Stewart, Acting Secretary of Labor, United States Department of Labor (the “Acting Secretary”) filed the Motion to Compel Compliance with Administrative Subpoena *Duces Tecum* (the “Motion to Compel”);

WHEREAS G&J subsequently provided information to OSHA related to the Subpoena requests; and

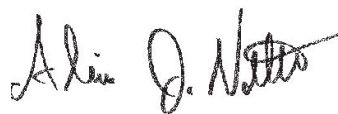
WHEREAS the Secretary made several requests to G&J to join us in filing this Proposed Order, to which we received no response; and

¹ Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Secretary of Labor Al Stewart is automatically substituted as Petitioner.

WHEREAS the Secretary respectfully submits that, having now obtained information needed from G&J in order to complete OSHA's inspection, he no longer wishes to pursue the Motion to Compel;

IT IS THEREFORE ORDERED that the Motion to Compel is DISMISSED with prejudice, with each party to bear its own costs and fees, including attorney's fees.

SO ORDERED:



ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE

DATED: April 26, 2021

Entry of this Order is hereby consented to:

ELENA S. GOLDSTEIN
Deputy Solicitor of Labor

JEFFREY S. ROGOFF
Regional Solicitor

By:

MATTHEW M. SULLIVAN
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*Attorneys for Martin J. Walsh
Secretary of Labor*